

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
\$29,567, U.S. Currency,	§	
Defendant.	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against \$29,567.00 in United States currency.

Nature of the Action

1. This civil action in rem is being brought to enforce the civil forfeiture statute of 31 U.S.C. §5317(c)(2) which provides for the civil forfeiture of any property involved in a violation of 31 U.S.C. § 5316. Under 31 U.S.C.A. § 5316(a)(1)(B), it is a crime for a person not to report that they are about to transport or has transported more than \$10,000 in United States currency into the United States. The United States currency involved in a violation of 31 U.S.C. §5316 is subject to civil forfeiture under 31 U.S.C. §5317(c)(2).

2. This civil action in rem is also being brought to enforce the civil forfeiture statute of 31 U.S.C. §5332(c) which provides for the civil forfeiture of

any property involved in a violation of 31 U.S.C. §5332(a). Under 31 U.S.C. §5332(a)(1), it is a crime to attempt to smuggle bulk cash into the United States. Section 5332 (a) provides that whoever, with the intent to evade a currency reporting requirement under 31 U.S.C. §5316, knowingly conceals more than \$10,000 in currency or other monetary instruments on the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency smuggling offense. The United States currency involved in a violation of 31 U.S.C. §5332(a)(1) is subject to civil forfeiture under 31 U.S.C. §5332(c).

Jurisdiction and Venue

3. This Court has jurisdiction pursuant to 28 U.S.C. §1355 because this is an action for forfeiture under 31 U.S.C. §5317(c)(2) and 31 U.S.C. §5332(c).

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355 and 1395 (a) and (b) because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas, the property was found and is located in the Southern District of Texas, and this forfeiture action accrued in the Southern District of

Texas.

Defendant in Rem

5. Defendant in rem is \$29,567.00 in United States currency that was seized at the George Bush Intercontinental Airport in Houston, Texas, from Kuei Chung Cheng on March 17, 2007.

Facts

6. On March 17, 2007, Kuei Chung Cheng, was returning to the United States of America at the George Bush Intercontinental Airport, Houston, Texas, on board Continental airlines flight 92. At the George Bush Intercontinental Airport, while conducting a routine customs inspection, a United States Customs and Border Protection Officer asked Kuei Chung Cheng whether he was transporting more than \$10,000. Kuei Chung Cheng stated that he was carrying not carrying more than 10,000 and that he was carrying \$200.00. Kuei Chung Cheng also stated on his Customs Declaration form that he was not carrying more than \$10,000.

7. When Customs and Border Protection Officers conducted an inspection of Kuei Chung Cheng, they discovered that he had \$29,567.00 in U.S. currency and 17,300.00 in Taiwanese currency. This currency was found concealed in Kuei Chung Cheng's luggage, brief case, clothing, and pockets. The \$29,567.00 in U.S.

currency was seized by the Customs Officers.

Relief Requested

8. Plaintiff requests:

- A. Arrest Warrants and summons, citing all persons having an interest in the defendant property to appear on the return day of process by filing a claim and answer pursuant to Rule G(5), Supplemental Rules for Certain Admiralty and Maritime Claims, or as ordered by this Court,
- B. A judgment of forfeiture, and
- C. Costs and other relief to which the Plaintiff may be entitled.

Respectfully submitted,

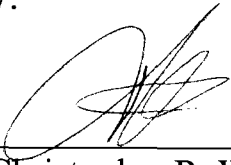
Donald J. DeGabrielle
United States Attorney

By: /s/ Albert Ratliff
Albert Ratliff
Attorney-in-Charge
NY Bar No. 1073907
SDTX Bar No. 6764
Assistant United States Attorney
United States Attorney's Office
P. O. Box 61129
Houston, Texas 77208
Office (713) 567-9579
Fax (713) 718-3300

VERIFICATION

I, Christopher R. White, Senior Special Agent, United States Immigration and Customs Enforcement, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read this *United States of America v. \$29,567.00, U.S. Currency Verified Complaint for Forfeiture in Rem*, and the facts stated in this complaint are true and correct to the best of my knowledge and belief.

Executed on May 11, 2007.



Christopher R. White, Senior Special Agent
U. S. Immigration and Customs Enforcement